

**REMARKS**

This Amendment is being filed along with a Request for Continued Examination. It is respectfully requested that the Amendment filed on July 16, 2009 be entered prior to this Amendment. By this Amendment, claim 1 has been further amended.

In the final Office Action, claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,490,836 to Moriau et al. Applicant respectfully traverses this rejection.

Among the limitations of independent claim 1 which are neither disclosed nor suggested in the prior art of record is a fracture-proof flat clasping floorboard piece wherein

the anti-self-locking oblique surface forms a first angle with an upper surface of the floorboard strip; the first angle ranging from 15-35°; and

an upper surface of a tenon of the another floorboard overlaps the upper surface of the slot mortise no less than 1-2 mm without deflection of the lower surface of the slot mortise and before the self-locking surface is formed as the floorboard piece is attached horizontally relative to the another floorboard.

Claim 1. Support for this amendment can be found in the specification at page 5, lines 9-28 and Fig. 4.

The benefit to the use of a first angle in the range of 15-30° in combination with an overlap of the tenon and slot mortise of no less than 1-2 mm is that, among others, the floorboard pieces can be assembled horizontally (*i.e.*, they do not require rotation during assembly), the overall length of the tenon can be reduced, the overall depth of the slot mortise can be reduced, and the potential for breakage of the tenon and slot mortise during assembly can be reduced.

It is respectfully submitted that Moriau et al. does not teach or suggest the floorboard piece defined by independent claim 1. As set forth in independent claim 1, the upper surface of the tenon overlaps into the slot mortise by no less than 1-2 mm in advance of a full assembly position

(*i.e.*, the position before the self-locking surface is formed). This overlap assists in easy splicing of the floorboard pieces during horizontal assembling.

Based on research of the Applicant, it was discovered that when the first included angle is equal to or larger than  $15^\circ$ , the tenon could be guided into the slot mortise by no less than 1-2 mm in advance of a full assembly position, and the length of the tenon and depth of the slot mortise could be shortened relative to the prior art floorboards. If the first included angle were less than  $15^\circ$ , the length of the tenon and depth of the slot mortise would both have to be increased. The resulting longer tenon and deeper slot mortise, such as that of Moriau et al., not only increases difficulty in manufacturing, but also accelerates wear on the manufacturing tools. Moreover, the larger dimensions of tenon and slot mortise result in a larger amount of excess floor material due to the greater amount of material needing to be removed to form the tenon and slot mortise.

Research of the Applicant has found that the upper limit of  $35^\circ$  of the first included angle defined in claim 1 also has significance. Applicants have found that this upper limit helps to ensure that during splicing of floorboard pieces, excessive external force is not required for assembly, thereby avoiding unnecessary damage to the tenon and slot mortise. Applicants have found that if this angle exceeds  $35^\circ$ , excessive external force may be required and damage to the tenon and slot mortise may occur.

While Moriau et al. does describe that the floor panels can be assembled in a lateral movement, such an assembly of the floor panels of Moriau et al. causes a significant deflection of the lower portion of the mortise as shown in Fig. 25, thereby increasing the amount of stress on the floor panels during installation, and increasing the possibility of breakage. In addition, Moriau et al. does not disclose or even suggest that the tenon can overlap the mortise by no less than 1-2 mm before the self-locking surface is formed. Accordingly, it is respectfully submitted that independent claim 1 patentably distinguishes over the art of record.

Claim 2 depends directly from independent claim 1 and includes all of the limitations found therein, as well as additional limitations which, in combination with the limitations of claim

1, are neither disclosed nor suggested in the art of record. Accordingly, claim 2 is likewise patentable.

In view of the foregoing, favorable consideration of the amendments to claim 1, and allowance of the present application with claims 1 and 2 is respectfully and earnestly solicited.

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Respectfully submitted,

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